

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**PROPOSED AMENDMENTS TO
RULE 11 – EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

WORKSHOP REPORT

A workshop notice on the proposed amendments to Rule 11 – Exemptions from Rule 10 Permit Requirements, was mailed to all Permit and Registration Certificate holders in San Diego County. Notices were also mailed to all economic development corporations and chambers of commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on June 9, 2014, and was attended by 60 people. Oral and written comments were received before, during, and after the workshop. The comments and Air Pollution Control District (District) responses are as follows:

1. WORKSHOP COMMENT

The proposed definition in Subsection (c)(6) for brake horsepower rating specifies that if the engine nameplate is not available, supporting documentation establishing the maximum continuous brake horsepower output rating will be accepted. It should be clarified that in order to obtain this exemption, the District must approve the supporting documentation submitted.

DISTRICT RESPONSE

The District agrees and is proposing to revise Subsection (c)(6) to state that the District must approve the supporting documentation establishing the maximum continuous brake horsepower output rating in order for the exemption to apply.

2. WORKSHOP COMMENT

The definition in Subsection (c)(11) for first-article deliverable product states that it shall not exceed one unit of each product per customer. In the ultra-high purity chemical products industry, a company engaged in Research and Development (R&D) may need to provide more than one unit of a product in order for the customer to obtain statistically significant data required to make a decision on the approval of a new product. The District should revise this definition to allow for more than one unit as a first-article deliverable product.

DISTRICT RESPONSE

The District agrees. The District acknowledges that some industries involved in R&D may need to provide more than one unit sample to the customer in the development of a product. The District has added proposed language specifying that the first-article deliverable shall not exceed

one unit of product unless necessary in order for the customer to obtain statistically significant data required to make a decision on the approval of a new product.

3. WORKSHOP COMMENT

The proposed definition in Subsection (c)(23) for preservative oils and compounds states that these materials may be applied to cables and exterior surfaces to prevent corrosion and/or provide lubrication. Preservative oils are also used onboard ships for interior voids and tanks that cannot be preserved with a coating. The District should consider replacing the existing definition with the one in Rule 67.3 - Metal Parts and Products Coating Operations. This definition will relate to a broader range of applications and still meet the intent of the Rule 11 exemption.

DISTRICT RESPONSE

The District agrees. The proposed definition of “Preservative Oils and Compounds” has been replaced as suggested.

4. WORKSHOP COMMENT

The proposed definition in Subsection (c)(25) for Research and Development was changed from defining R&D “equipment” to defining R&D “operations.” The proposed changes could be confusing to existing R&D facilities and may have unintended consequences. It is recommended that the original language of this definition be maintained.

DISTRICT RESPONSE

The District agrees. The proposed changes have been deleted.

5. WORKSHOP COMMENT

The exemption for auxiliary sweeper engine brake horsepower (bhp) in amended Subsection (d)(1)(ii) is proposed to be reduced from 200 bhp or less to less than 50 bhp. These auxiliary sweeper engines are subject to the ARB Truck and Bus Regulation, and should not be regulated by the District.

DISTRICT RESPONSE

The District agrees. The proposed changes have been deleted.

6. WORKSHOP COMMENT

Subsection (d)(2)(v) exempts certain air heaters installed in conjunction with combustor testing in gas turbine test cells. This exemption should be expanded to include the associated flares. The flares are installed as a safety precaution to divert mixed gas from the engines and ensure there are no liquid droplets in the lines prior to testing. The flares are also used to vent any unburned fuel from the turbine test cells in the event of an unplanned engine shutdown. Emissions from these flares have been estimated to be less than 10 pounds per year of NO_x.

DISTRICT RESPONSE

The District disagrees. It has been determined that these flares are an integral part of a permitted operation and as such cannot be exempt and must be included in the engine test cell Permit to Operate. The emissions must also be included with the facility wide emissions for the purposes of New Source Review and Rule 1200 (if applicable).

7. WORKSHOP COMMENT

Please clarify why existing Subsection (d)(2)(vii), exemption for portable pile drivers and construction cranes, is being proposed for deletion.

DISTRICT RESPONSE

Existing Subsection (d)(2)(vii) has been in Rule 11 for more than 22 years. ARB has since developed regulations for these engines and the District is proposing to regulate these engines as any other engine on a construction site.

8. WORKSHOP COMMENT

Subsection (d)(2)(xiv) exempts portable internal combustion engines or gas turbine engines used exclusively in conjunction with military tactical support equipment. At times, these engines are sent to a contractor for re-work, i.e., to overhaul or make modifications per military contract. These engines would then undergo intermittent performance testing not to exceed 20 hours a year per engine. Would the re-work performed on these engines be exempt under this Subsection?

DISTRICT RESPONSE

Yes, engines used exclusively in conjunction with military tactical support equipment, and any associated re-work performed on those engines, would be exempt under Subsection (d)(2)(xiv).

9. WORKSHOP COMMENT

Amended Subsection (d)(4)(vi) exempts operations that make biotechnology products and devices, or agricultural products for Federal Food and Drug Administration (FDA) clinical trials, provided the VOC emissions do not exceed 2,000 pounds per year. The FDA considers operations that develop clinical trial materials to be R&D. In addition, the South Coast Air Quality Management District (SCAQMD) also considers these operations to be R&D and exempt from permit requirements, without any emissions limitations or recordkeeping requirements. This amendment puts biotechnology companies within the District's jurisdiction at a competitive disadvantage to companies in other jurisdictions. The District should consider removing Subsection (d)(4)(vi) in its entirety, or at a minimum, that this subsection be returned to the language as it currently exists.

DISTRICT RESPONSE

The District agrees. The proposed amendments to Subsection (d)(4)(vi) have been deleted. It should be clarified that records (e.g., purchase records) will still need to be maintained to substantiate the exemption.

10. WORKSHOP COMMENT

Subsection (d)(5)(ii) for like-kind replacement requires facilities to submit to the District an application for permit revision prior to replacing any equipment. This puts a burden on large facilities that do frequent routine maintenance and replacement. The District should add language to exempt such replacements.

DISTRICT RESPONSE

The District agrees that facilities making like-kind replacements in some cases should not be required to submit applications for permit revision each and every time a replacement is made. If the like-kind replacement is not listed on the equipment description of the Permit to Operate, then an application is not required. Facilities should contact the District's Compliance Division if there are any doubts about whether or not a particular replacement requires a permit application to be submitted. The District will be working with industry to develop a guidance document for like-kind replacements.

11. WORKSHOP COMMENT

Subsection (d)(7)(iv) exempts welding equipment. The District should consider adding laser welding to this exemption. Laser welding is a welding technique used to join multiple pieces of metal through the use of a laser.

DISTRICT RESPONSE

The District agrees and is proposing to revise Subsection (d)(7)(iv) to include laser welding.

12. WORKSHOP COMMENT

Subsection (d)(9)(ii) exempts abrasive blasting cabinets that are vented through a control device into the building where such cabinets are located. The District should also exempt those cabinets that are vented to a dust collector control device located outside of the building.

DISTRICT RESPONSE

The District disagrees. Requiring a Permit to Operate for dust collector control devices not vented into a building will help ensure that the control device is in proper working order at all times.

13. WORKSHOP COMMENT

The proposed deletion of Subsection (d)(10)(v) would require all tub grinders and trommel screens to obtain a Permit to Operate. The District should consider not requiring permits for this previously exempt equipment until more emission and cost information data is obtained.

DISTRICT RESPONSE

Tub grinders and trommel screens are a source of PM emissions and depending on the material being processed can violate the visible emissions standards of District Rule 50 – Visible Emissions. The District is proposing to amended Subsection (d)(10)(v) to exempt the processing of green material, which is less prone to visible emissions and has added the definition for “green material” to Section (c) – Definitions. It should be noted that exempt equipment must still comply with all applicable District rules and regulations.

14. WORKSHOP COMMENT

Subsection (d)(10)(viii) exempts equipment used for machining of fiberglass parts as long as the equipment is vented through a control device into the building where such equipment is located. The District should also exempt equipment that is vented to a dust collector control device located outside of the building.

DISTRICT RESPONSE

The District disagrees. Requiring a Permit to Operate for dust collector control devices not vented into a building will help ensure that the control device is in proper working order at all times.

15. WORKSHOP COMMENT

Subsection (d)(10)(viii) exempts equipment used for machining of fiberglass parts as long as the equipment is vented through a control device into the building where such equipment is located. Calcium silicate is used in high temperature insulation and is machined in the same equipment as the fiberglass parts. The District should consider adding the machining of calcium silicate to this exemption.

DISTRICT RESPONSE

The District agrees and is proposing to amend Subsection (d)(10)(viii) as suggested. It should be noted that the calcium silicate machined should not contain any crystalline silica, a very potent carcinogen.

16. WORKSHOP COMMENT

Subsection (d)(12)(iii) exempts coffee roasting equipment with a manufacturer's rating of 15 pounds per hour or less. To be more consistent with the coffee roasting industry, the District should replace the manufacturer's rating (in pounds per hour) with a maximum roasting capacity (in pounds and kilograms).

DISTRICT RESPONSE

The District agrees and is proposing to replace the manufacturer's rating of 15 pounds per hour or less with its equivalent maximum roasting capacity of 11 pounds (5 kg) or less.

17. WORKSHOP COMMENT

Subsection (d)(12)(iv) exempts bakery ovens where the combined rated heat input of all bakery ovens is less than 2 million BTU per hour. This exemption should be clarified to state that the 2 million BTU per hour limit does not include ovens used exclusively to bake non-yeast leaven products. These ovens are already exempt under (d)(12)(v).

DISTRICT RESPONSE

The District agrees and is proposing to amend Subsection (d)(12)(iv) as suggested.

18. WORKSHOP COMMENT

Subsection (d)(12)(vii) exempts equipment used to brew beer at breweries that produce less than one million gallons of beer per year. This exemption has been in Rule 11 for over 17 years and it is outdated. The annual beer production limit should be raised to exempt breweries emitting less than 5 pounds of VOC per day. Production limits should also be expressed in barrels per year, the industry standard.

DISTRICT RESPONSE

The District agrees and is proposing to increase the production limit in Subsection (d)(12)(vii) from one million gallons to 100,000 barrels (3.1 million gallons) of beer per year.

19. WORKSHOP COMMENT

Subsection (d)(12)(vii) exempts equipment used to brew beer at breweries that produce less than one million gallons of beer per year. Brewery equipment must be cleaned on a regular basis to remove certain organic and mineral deposits and to assure sterilization. The materials used to clean and sterilize have a VOC content of less than 25 grams per liter and emissions from these operations are negligible. The District should explicitly exempt cleaning operations associated with brewing equipment.

DISTRICT RESPONSE

The District agrees and is proposing to increase the production limit in Subsection (d)(12)(vii) from one million gallons to 100,000 barrels (3.1 million gallons) of beer per year and include the associated equipment cleaning in the exemption.

20. WORKSHOP COMMENT

The District should consider adding an exemption to Subsection (d)(12) for equipment used to ferment honey to produce mead, and for equipment used to press and/or ferment apples to produce hard cider. These operations have very low emissions.

DISTRICT RESPONSE

The District is proposing to add an exemption to Subsection (d)(19)(xix) for low emitting units. This proposed exemption will apply to equipment or operations that have uncontrolled emissions of 2 pounds or less per day of any criteria pollutant. The equipment described will be exempt under this new proposed exemption.

21. WORKSHOP COMMENT

The preamble to Subsection (d)(15) defines the word “Operation.” This definition is not consistent with the definition of “process line” that has historically been used to define an operation. This new definition might work for small sources but will not work for larger facilities or military facilities. The District should reconsider this definition.

DISTRICT RESPONSE

The District agrees. The District has deleted the proposed preamble containing the definition of “Operation.” It is very difficult to define “Operation” so that it applies to all facilities and all processes in the county. The District will continue to apply the definition of a process line on a case by case basis.

22. WORKSHOP COMMENT

The District proposed to amend Subsection (d)(15)(ii) to clarify that this exemption did not apply to the application of rubberized asphalt. It should be further clarified that the exemption does not apply to the equipment used in the application of the rubberized asphalt oil or binder. Will the District now be requiring a Permit to Operate for these operations?

DISTRICT RESPONSE

The District will not require rubberized asphalt oil or binder application equipment to obtain a Permit to Operate. The proposed language was only to clarify that the rubberized asphalt oil or binder is not considered an adhesive. This equipment is subject to District Rule 50 - Visible Emissions and Rule 51 - Nuisance. To avoid confusion, the District has deleted the proposed language in Subsection (d)(15)(ii) and instead has proposed to amend Subsection (a)(3) to state that a Permit to Operate may be required if any equipment, operation, or process is unable to comply with Rule 50 or Rule 51.

23. WORKSHOP COMMENT

The District should add an exemption to Subsection (d)(15) for coating operations located at schools and used exclusively for theatrical productions. The usage of coatings and VOC emissions are negligible.

DISTRICT RESPONSE

The District agrees and is proposing to add Subsection (d)(15)(ix) as suggested exempting coating operations for theatrical purposes.

24. WORKSHOP COMMENT

It is unclear that proposed amended Subsection (d)(16)(i) applies to both cold solvent cleaning operations subject to Rule 67.6.1, and vapor degreasing operations subject to Rule 67.6.2. The District should amend the exemption to clarify this.

DISTRICT RESPONSE

The District agrees and is proposing to amend Subsection (d)(16)(i) as recommended.

25. WORKSHOP COMMENT

The District should consider adding to Subsection (d)(16) the exemptions for solvent cleaning that are specified in Rule 66.1 Subsection (b)(2). In addition, the District should add a general exemption for cleaning materials with a VOC content of 50 grams per liter or less. Cleaning operations using these low VOC materials have been demonstrated to have negligible emissions and permits should not be required.

DISTRICT RESPONSE

The District agrees and is proposing to add to Subsection (d)(16)(ix) the exemptions for solvent cleaning operations that are specified in Rule 66.1. In addition, the District is proposing to include a general exemption for the use of cleaning materials with a VOC content of 25 grams per liter or less, not associated with a permitted operation. Permitted operations will have to maintain usage records of all such cleaning materials and count them towards any Permit to Operate emission limits.

26. WORKSHOP COMMENT

Proposed Subsections (d)(16)(ix) and (d)(16)(x) were added to replace the existing exemption for solvent usage in wipe cleaning operations of 1,500 gallons/year or 5 tons/year of VOC emissions. These two new subsections came from Rule 66.1 and are very restrictive, especially for those solvent wipe cleaning operations that are not subject to Rule 66.1. These two subsections should be deleted and the original usage and emission exemption limits should be reinstated.

DISTRICT RESPONSE

The District agrees and is proposing to delete Subsections (d)(16)(ix) and (d)(16)(x). Instead, the District will propose a new exemption, Subsection (d)(16)(ix)(E)(2), for wipe cleaning operations with either a purchase limit of 550 gallons of cleaning materials or a VOC emission limit for such materials of 3,650 pounds per calendar year. The limits are the equivalent of 10 pounds per day of VOC emissions.

27. WORKSHOP COMMENT

The purpose of Subsection (d)(17)(iii) is to ensure that only liquid fuel transfer operations require vapor recovery equipment. The problem is the exemption draws a false dichotomy by suggesting all organic liquids that are not fuels are solvents. "Organic solvent" has a specific definition in Rule 11 that does not include reagents. The District should replace the word "solvents" with "liquids" in this exemption. That would best convey the intent of the exemption.

DISTRICT RESPONSE

The District disagrees. Tank transfers and operations involving reagents (i.e., materials used for chemical reactions) should not be exempt from permit requirements because they could have the potential of emitting significant amount of VOCs and/or toxic air contaminants. The definition of "organic solvent" found in Subsection (c)(20) has been amended to clarify that reagents are not considered organic solvents.

28. WORKSHOP COMMENT

Proposed Subsection (d)(18)(i) has been amended to remove the exemption for non-immersion dry cleaning equipment. The dry cleaning industry has been working with ARB over the last several years to allow the use of non-immersion dry cleaning equipment as an alternative to using perchloroethylene as a cleaning solvent. The District should continue to exempt this type of non-immersion equipment.

DISTRICT RESPONSE

The District agrees and is proposing to maintain the exemption for non-immersion dry cleaning equipment as long as only water or exempt compounds are used as the cleaning solvents and the VOC content of detergents and additives used does not exceed 50 grams per liter.

29. WORKSHOP COMMENT

Subsection (d)(19)(xi) exempts pharmaceutical, cosmetic, or biotechnology product manufacturing operations that emit less than an average of 15 pounds of VOCs per operating day. The proposed changes could be confusing to existing biotechnology facilities and may have unintended consequences. It is recommended that the original language of this exemption be maintained.

DISTRICT RESPONSE

The District agrees. The existing language in Subsection (d)(19)(xi) has been restored as suggested.

30. WORKSHOP COMMENT

The District should consider adding a generic exemption for low-emitting sources similar to that found in other air districts in California. Currently, to obtain an exemption for an emission unit or operation that is not included in a specific Rule 11 category, the facility must file an application for a Certificate of Exemption (COE). This can be a relatively resource-intensive process. Allowing the facility to maintain documentation on these low-emitting sources, would save both the facility and District time and resources.

DISTRICT RESPONSE

The District agrees. Proposed Subsection (d)(19)(xix) is being amended to exempt equipment or an operation that has an uncontrolled emission rate of 2 pounds or less per day of each criteria pollutant, or 75 pounds or less per year of each criteria pollutant. This exemption is being proposed to replace the existing COE process. A facility claiming an exemption for any low-emitting unit must maintain records to substantiate the exemption. A facility may be required to obtain a Permit to Operate if the equipment or operation emits toxic air contaminants. All existing COEs will be honored by the District.

31. WORKSHOP COMMENT

Existing Subsection (d)(19)(xxi) exempts both industrial and municipal wastewater treatment facilities. In the proposed amended rule this exemption would only apply to municipal wastewater treatment facilities. As a result, all industrial wastewater treatment facilities will now require a permit to operate. It is not clear if that was the District's intent. The proposed Rule 11 should retain the permit exemption for industrial wastewater treatment facilities.

DISTRICT RESPONSE

The District agrees. Proposed Subsection (d)(19)(xxii) will exempt industrial wastewater treatment that does not use processes designed to remove or destroy VOCs. Alternatively, if these processes are used, their total VOC emissions must be less than an average of 5 pounds per day from all such treatment at the stationary source. The District has also added a new proposed definition to Section (c) for "Industrial Wastewater Treatment" to clarify this exemption.

32. WORKSHOP COMMENT

Proposed new Subsection (d)(19)(xxix) is for ozone generators with a generation capacity of less than 0.1 pounds of ozone per day. Since ozone reacts readily with water, the District should exempt all ozone generators, or at a minimum, those with a much higher ozone generation capacity.

DISTRICT RESPONSE

The District agrees. The District proposes to exempt ozone generators with a generation capacity of less than 1,000 grams of ozone per hour. This exemption limit is the equivalent of 5 pounds per day of ozone emissions.

33. WORKSHOP COMMENT

Proposed new Subsection (d)(19)(xxx) exempts site assessments for soil and/or groundwater remediation projects if various conditions are met. Does the “30 days in a calendar year” apply only for days when actual air emissions are occurring from the site assessment activities?

DISTRICT RESPONSE

Yes, the proposed “30 days in a calendar year” period is composed of only those days when actual testing is being conducted and the effluent gas stream from the sample collection site is vented to the emission control equipment.

34. WORKSHOP COMMENT

The District should add a new exemption to Subsection (d)(19) for the monitoring of soil, sediment, air, or groundwater performed to meet the requirements of other regulatory agencies. The monitoring is performed several times a year and the emissions from these activities are negligible.

DISTRICT RESPONSE

The District agrees. Proposed new subsection (d)(19)(xxxi) has been added as suggested.

35. WORKSHOP COMMENT

The District should add an exemption to Subsection (d)(19) for underground building ventilation and sub-slab depressurization systems associated with soil vapor and/or groundwater that are not required to be remediated by other regulatory agencies. These operations are not considered remediation and should not be required to obtain a permit to operate.

DISTRICT RESPONSE

The District agrees. Proposed new subsection (d)(19)(xxxii) has been added as suggested.

36. WORKSHOP COMMENT

The District should add an exemption for additive manufacturing (3-D printing) equipment. This process creates three-dimensional objects from a 3-D model or other electronic data source primarily through additive processes in which successive layers of material are laid down under computer control. The process emits weld gases, fumes and debris on a very small scale (in the immediate area where the laser is actively working) which are typical of welding.

DISTRICT RESPONSE

The District agrees. A proposed exemption for additive manufacturing (3-D printing) equipment has been added to Subsection (d)(19)(xxxiii) and a proposed definition for “Additive Manufacturing” has been added to Section (c) - Definitions. Emissions from additive manufacturing appear to be negligible based on information available to the District at this time. It should be noted that equipment exempt from permit requirements must still comply with all applicable District rules and regulations.

37. ARB AND EPA COMMENTS

There were no official comments from ARB or EPA.

AO:jl
03/18/15

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO
RULE 11 – EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

WORKSHOP REPORT

A workshop notice on the revised draft amendments to Rule 11 – Exemptions from Rule 10 Permit Requirements, was mailed to all Permit and Registration Certificate holders in San Diego County. Notices were also mailed to all economic development corporations and chambers of commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

An initial workshop was held on June 9, 2014. Oral and written comments on the revised draft proposal to Rule 11 were received before, during, and after the workshop. A workshop report was issued on March 18, 2015, which addressed comments received prior to that point.

A second workshop to discuss revised draft amendments to Rule 11 was held on June 19, 2015, and was attended by 35 people. Oral and written comments on the revised draft proposal were received before, during, and after the workshop. The comments and Air Pollution Control District (District) responses are as follows:

1. WORKSHOP COMMENT

The District should consider including a definition for “Operation” in Section (c) – Definitions, to help the regulated community apply Rule 11 appropriately.

DISTRICT RESPONSE

The District had proposed a definition for “Operation” and presented it during the previous Rule 11 workshop held on June 9, 2014. Industry representatives asked the District to reconsider that definition and it was subsequently deleted. It is very difficult to define “Operation” so that it applies to each of the thousands of facilities and processes in the county. The District will continue to apply the Rule 2 definition of “Process Line” on a case-by-case basis.

2. WORKSHOP COMMENT

The District should change the proposed definition found in Subsection (c)(5) for “Biotechnology” to “Life Sciences” to better define that industry and make it consistent with California codes. The life sciences industry uses the North American classification system.

DISTRICT RESPONSE

The District disagrees. There are a number of facilities in San Diego County that are not considered "Biotechnology" but would meet the definition of "Life Sciences". These facilities would be negatively impacted by changing the definition of "Biotechnology."

3. WORKSHOP COMMENT

Subsection (d)(2)(ix) exempts ovens having an internal volume of 27 cubic feet or less. Would this exemption apply to an oven that runs on natural gas or to one that runs on electricity? What if the oven, in theory, was being run on electricity but the electricity is being provided by an on-location power source that is being run on fuel?

DISTRICT RESPONSE

The exemption refers to ovens that run on both natural gas and electricity as long as the oven has an internal volume of 27 cubic feet or less. If the oven runs on electricity provided by an on-location power source, then the power source (engine or generator) would be subject to permitting requirements if it has a brake horsepower rating of 50 or greater.

4. WORKSHOP COMMENT

The preamble of Subsection (d)(5) identifies certain equipment replacements that would require an application for permit revision to be submitted to the District prior to such replacement. Among these are "rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1." The District should consider allowing all rim seal replacements to be exempt from the requirement to submit an application.

DISTRICT RESPONSE

The District disagrees. Rule 61.1 (Receiving and Storing Volatile Organic Compounds (VOCs) at Plants and Bulk Terminals) requires that rim seals meet BACT requirements at the time of replacement. Requiring an application for permit revision ensures evaluation by the District and a finding that the rim seal replacement meets the most current BACT requirements.

5. WRITTEN COMMENT

The District should substitute in Subsections (d)(5)(i) and (d)(5)(ii) the term "emissions unit" for undefined terms "article, machine, equipment, or other contrivance" that already appear verbatim within the defined term "emission unit" as defined in Rule 2.

DISTRICT RESPONSE

The District disagrees. Subsection (d)(5) outlines exemptions from the requirements of Rule 10 – Permits Required, Section (a) – Authority to Construct. The language in Rule 11, Subsection (d)(5), and in Rule 10, Subsection (a), is consistent and changing it may cause confusion for the regulated community.

6. WRITTEN COMMENT

In the previous Rule 11 Workshop Report (dated 3/18/15), District Response to Workshop Comment #10 regarding Subsection (d)(5)(ii) – like-kind replacements, the District clarified that “if the like-kind replacement is not listed on the equipment description of the Permit to Operate, then an application is not required.” The District should provide clarity by adding specific language to Subsection (d)(5) to remove any doubt and alleviate the burden to both the regulated community and the District associated with case-by-case requests for guidance on whether a particular component or part replacement is exempt.

DISTRICT RESPONSE

The District disagrees and further clarifies herein that the permit description is only the first step in determining whether a particular like-kind replacement requires an application to be submitted. The Air Pollution Control Officer must also make the determination that the replacement is identical in function, similar in design, that the actual air contaminant emissions are the same in nature, and that the replacement has a capacity, production rate, and actual air contaminant emissions that are equal to or less than those of the currently permitted equipment. It should also be noted that Subsections (d)(2) through (d)(19), as specified in Rule 11 Subsection (a)(4), do not apply to any equipment, operation, or process that emits more than 100 pounds per day of any criteria pollutant. Thus, replacement equipment with emissions greater than 100 pounds per day of any criteria pollutant would not be exempt from Rule 10 requirements, regardless of whether it met the requirements of Subsection (d)(5).

7. WRITTEN COMMENT

The proposed amendments to Subsection (d)(9)(iv) for abrasive blasting equipment now exempt “abrasive blasting pots”. Deck blasters with abrasive hoppers that hold less than 100 lbs. are currently exempt from permit requirements. These deck blasters are not pots. Is the District’s intention to now require permits for this type of equipment?

DISTRICT RESPONSE

It is not the District’s intent to require permits for the equipment described. Proposed language was added to Subsection (d)(9)(iv) to exempt “abrasive blasting equipment or pots” and further clarify that the exemption does not apply to abrasive blasting cabinets.

8. WORKSHOP COMMENT

Subsection (d)(10)(v) exempts tub grinders and trommel screens used for processing green material. If a tub grinder and trommel screen were used to process soil instead of green waste, would it still be exempt?

DISTRICT RESPONSE

Tub grinders and trommel screens are usually found at landfills where the green material being processed may contain a small amount of soil. In such cases, tub grinders and trommel screens are normally exempt from permit requirements. However, depending on the material being processed and the nature and extent of resulting emissions, operation of tub grinders and trommel screens could result in a violation of the visible emissions standards of District Rule 50 – Visible Emissions or the nuisance prohibition of Rule 51 – Nuisance, in which case a permit may be conditionally required pursuant to proposed Subsection (a)(3). Additionally, if a tub grinder or trommel screen were used to process only soil, a permit to operate would be required.

9. WORKSHOP COMMENT

Subsection (d)(11) lists exemptions for various printing and reproduction equipment and operations. Would this subsection apply to 3-D printing?

DISTRICT RESPONSE

No. Subsection (d)(11) applies to graphic art operations and digital printing. Technically, 3-D printing is not “printing” in the traditional sense; it is a type of additive manufacturing process. A proposed exemption for 3-D printing was added in Subsection (d)(19)(xxxiii).

10. WORKSHOP COMMENT

Proposed Subsection (d)(16)(ix)(B) exempts solvent preparation or solvent cleaning using non-refillable handheld aerosol spray containers. Was the District’s intent to exempt all non-refillable handheld aerosol spray containers?

DISTRICT RESPONSE

It was not the District’s intent to exempt the use of all non-refillable handheld aerosol spray containers. Some District rules exempt these types of spray containers, while other District rules do not. During the permit application process, the entire operation is evaluated under New Source Review and Toxic New Source Review and depending on overall usage and emissions, a facility may be required to track or limit its aerosol usage.

11. WORKSHOP COMMENT

Proposed Subsection (d)(16)(ix)(E)(2) exempts surface preparation or solvent cleaning not associated with a permitted operation provided certain conditions are met. One of the conditions is that the total purchase of solvents for such cleaning operations does not exceed 550 gallons per calendar year. A facility may purchase solvent in bulk at the end of the calendar year but not use it until sometime the following year. The District should allow for either actual usage or purchasing records.

DISTRICT RESPONSE

The District agrees and has revised proposed Subsection (d)(16)(ix)(E)(2) to allow the 550 gallon limit and the yearly VOC emissions limit to be calculated either through purchase or usage records per consecutive 12-months.

12. WORKSHOP COMMENT

Subsection (d)(17)(i) exempts stationary equipment used exclusively to store and/or transfer liquid organic compounds that are not volatile organic liquids. If the transfer includes an in-line filtration for quality control, would this disallow the exemption?

DISTRICT RESPONSE

No. Using in-line filtration for quality control during the transfer or storage process would not disallow the exemption.

13. WORKSHOP COMMENT

Subsection (d)(19)(xi) exempts pharmaceutical and biotechnology manufacturing operations with average uncontrolled VOC emissions of less than 15 pounds per operating day. Does this exemption apply to pilot plants? In addition, the District should consider adding language to clarify that this exemption applies to commercial operations.

DISTRICT RESPONSE

Pharmaceutical or biotechnology pilot plant operations are considered “Research and Development” as long as they meet the definition in Subsection (c)(25) for “Research and Development (R&D) Equipment.” If the pilot plant operations do not meet this definition, then all non-R&D operations at a facility will be exempt from permit requirements under Subsection (d)(19)(xi) if the combined uncontrolled emissions for these non-R&D operations are less than 15 pounds per operating day. However, if uncontrolled VOC emissions are 15 pounds or greater, then all the non-R&D operations at a facility would be required to obtain a Permit to Operate and would be subject to Rule 67.15 – Pharmaceutical and Cosmetic Manufacturing Operations. The

District considers operations either R&D or manufacturing, so no additional language is necessary.

14. WORKSHOP COMMENT

Proposed amended Subsection (d)(19)(xxi) for wastewater treatment facilities now applies only to municipal wastewater treatment facilities. A proposed new exemption was added as Subsection (d)(19)(xxii) for industrial wastewater treatment. Please explain the reason for these amendments.

DISTRICT RESPONSE

Proposed language was added to Subsection (d)(19)(xxi) to clarify that the exemption applied only to municipal wastewater treatment facilities with a design throughput capacity of less than one million gallons of wastewater per day. Proposed new Subsection (d)(19)(xxii) was added to exempt industrial wastewater treatment facilities that do not use processes designed to remove or destroy VOCs, regardless of wastewater throughput. Alternatively, if these processes are used, the exemption applies if the total uncontrolled VOC emissions are an average of 5 pounds per day or less from all such treatment at the stationary source, regardless of wastewater throughput.

15. WRITTEN COMMENT

Subsection (d)(19)(xxviii) would exempt operations that exclusively use preservative oils and compounds, lubricants, greases, or waxes. The District should clarify that solid film lubricants are also exempt under this subsection.

DISTRICT RESPONSE

The District agrees and has added language to clarify that solid film lubricants are also exempt under proposed Subsection (d)(19)(xxviii).

16. WRITTEN COMMENT

Subsection (d)(19)(xxix) would exempt ozone generators with a generation capacity of less than 1,000 grams of ozone per hour. Instead of this proposal, the District should consider exempting “Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water or wastewater treatment or reuse processes”. A similar exemption can be found in South Coast AQMD Rule 219 Subsection (d)(4).

DISTRICT RESPONSE

The District disagrees. To minimize emissions and to ensure the ozone generation equipment is being operated and maintained properly, the District will require a Permit to Operate from those generators with a capacity of 1,000 grams of ozone per hour and greater.

17. WORKSHOP COMMENT

The District should provide a clear definition for “Marine Environment” as it applies to Rule 67.18 – Marine Coating Operations. Having this definition in either Rule 2 or Rule 67.18 would help facilities that apply coatings to piping that is located on piers and exposed to marine environment. Since there is no clear definition, piping located on piers currently falls under Rule 67.0 – Architectural Coatings. Using a marine coating for this type of application would allow the coating to last longer, saving money and time.

DISTRICT RESPONSE

Rule 67.18 – Marine Coating Operations is not currently being revised. When the District proposes revising Rule 67.18, the District will work with the regulated community to develop a clear definition for “Marine Environment.”

18. WORKSHOP COMMENT

Will the District distribute a notice as to when this rule will be going before the Air Pollution Control Board for approval?

DISTRICT RESPONSE

The District will send out a notification to workshop participants with the date that Rule 11 is scheduled to go before the Air Pollution Control Board for approval. At this time, this rule will tentatively go before the Air Pollution Control Board in the first quarter of 2016, with an effective date of one year after approval.

19. EPA COMMENT

EPA recommends that Subsection (d)(19)(xxvi), for agricultural sources, be revised to apply to 50% of the major source threshold for all pollutants for which there is a National Ambient Air Quality Standard (NAAQS) (i.e., VOC, NO_x, CO, PM₁₀, PM_{2.5}, Pb, and SO_x). Additionally, the exemption should reference specifically the major stationary source definition as written in Rule 20.1 – New Source Review – General Provisions. Subsection (d)(19)(xxvi) should also make clear that the exemption does not apply to agricultural sources required to obtain a Title V permit.

DISTRICT RESPONSE

The District agrees. The recommended language has been added to proposed Subsection (d)(19)(xxvi). Proposed amended Subsection (c)(17), definition of “Major Stationary Source”, now references Rule 20.1.

20. ARB COMMENT

ARB has no official comments at this time.

AMO:jl
10/07/15

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO
RULE 66.1 – MISCELLANEOUS SURFACE COATING OPERATIONS AND
OTHER PROCESSES EMITTING VOLATIVE ORGANIC COMPOUNDS**

WORKSHOP REPORT

A workshop notice on the draft proposed amendments to Rule 66.1 – Miscellaneous Surface Coating Operations and Other Processes Emitting Volatile Organic Compounds, was mailed to all Permit and Registration Certificate holders in San Diego County. Notices were also mailed to all economic development corporations and chambers of commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on June 19, 2015, and was attended by 5 people. Oral and written comments were received before, during, and after the workshop. A summary of the comments received, and the Air Pollution Control District's (District) responses to these comments, are as follows:

1. WORKSHOP COMMENT

The District should maintain the existing exemption in Rule 66.1, Subsection (b)(1)(xi), for the solvent cleaning of laser optics and eliminate the proposed volatile organic compound (VOC) content limit, record keeping, and other requirements for such operations. The optic lenses used in laser operations are cleaned approximately once every week or two. The cleaning process consists of dropping two or three drops of isopropyl alcohol (IPA) from a dropper onto a lens tissue and wiping the lens. On a monthly basis, these operations use no more than one small dropper bottle of IPA. The burden of keeping records and the other proposed limits for this insignificant usage does not justify any real air quality benefit.

DISTRICT RESPONSE

The District agrees and has modified the draft proposal to retain this exemption in Rule 66.1. The exemption is consistent with analogous rules in other California air districts and the EPA's Control Technique Guidelines for Industrial Cleaning Solvents, dated September 2006.

2. WORKSHOP COMMENT

The current proposed draft of Rule 11 – Exemptions from Permit Requirements, exempts cleaning materials having a VOC content of 25 g/L, or less, if the use of such materials is not associated with a permitted operation. How does that proposed exemption affect the 550 gallons or less of cleaning material per consecutive 12 months usage exemption proposed in Rule 66.1, Subsection (b)(2)? How does the use of non-refillable handheld aerosol spray containers affect this 550-gallon exemption?

DISTRICT RESPONSE

The use of cleaning materials having a VOC content of 25 g/L, or less, does not count towards the 550-gallon threshold when determining if a permit is required for general facility-wide wipe cleaning operations. However, once the 550-gallon threshold has been met and a permit is required, all emissions associated with a wipe cleaning operation, including emissions from the use of these low-VOC cleaning materials, will be counted towards the New Source Review (NSR) and Toxic NSR thresholds.

The use of non-refillable handheld aerosol spray containers is exempt under both Rule 11 and Rule 66.1, and does not count towards the 550-gallon threshold. However, if a Permit to Operate is required for an operation that is using aerosol spray containers, the District may consider these materials if there is an extremely high use of the aerosol spray containers.

3. WORKSHOP COMMENT

The proposed amendments to Subsection (b)(2) exempt facility-wide solvent cleaning and surface preparation operations from complying with the solvent cleaning material VOC content limits in Subsection (d)(2), if the combined cleaning material usage is 550 gallons or less. Does cleaning material usage associated with Research and Development (R&D) operations, for quality assurance or quality control (QA/QC) purposes, or from the use of acetone count toward the 550-gallon threshold?

DISTRICT RESPONSE

No, cleaning material usage associated with any operation exempt from Rule 66.1 under Subsection (b)(1) is not counted toward the 550-gallon threshold. These exempt operations include, but are not limited to, R&D and cleaning performed for QA/QC purposes. Similarly, the use of acetone is also not counted toward the 550-gallon threshold because acetone is an exempt compound and not considered a VOC.

4. WORKSHOP COMMENT

The District should allow facilities to maintain records for either the actual usage or purchase of cleaning materials in order to claim an exemption under Subsection (b)(2).

DISTRICT RESPONSE

The District agrees and usage or purchase records are already allowed. The last paragraph of existing Subsection (b)(2) allows facilities to maintain records of monthly purchases or usage of cleaning materials to claim any of the exemptions listed in that subsection.

5. WORKSHOP COMMENT

The District should clarify in the definition of “medical device” that for the purposes of solvent cleaning or surface preparation, a medical device also includes any associated manufacturing or assembly apparatus. The associated apparatus come into contact with medical devices and must also achieve the same level of cleanliness. This cannot be achieved with a cleaning material that has 50 g/L VOC content. Also, is Rule 66.1 on a review cycle (e.g., every three or five years)?

DISTRICT RESPONSE

The District agrees that associated manufacturing or assembly apparatus should also be allowed to be cleaned with the same cleaning material as the medical device. To clarify this point, proposed language has been added to the definition of “medical device” found in Subsection (c)(17). Regardless, please note that the draft proposal has been modified to retain the exemption for medical devices. This exemption is consistent with analogous rules in other California air districts and the EPA's Control Technique Guidelines for Industrial Cleaning Solvents, dated September 2006.

Rule 66.1 is not subject to a specific review cycle. The current need for amendments to Rule 66.1 came about due to proposed revisions to the wipe cleaning permitting exemption thresholds in Rule 11 – Exemptions from Permit Requirements.

Finally, it should also be noted that if a permit is required for the manufacturing of the medical device, all emissions associated with the manufacturing operation, including emissions from the use of cleaning materials, will be counted towards the New Source Review (NSR) and Toxic NSR thresholds.

6. WORKSHOP COMMENT

The District should clarify that solvent cleaning operations do not include the use of solvent to regenerate silica gel used in chemical purification processes.

DISTRICT RESPONSE

The District agrees and has added proposed language to the definition of “solvent cleaning” found in Subsection (c)(26) to clarify this point. Nevertheless, the regeneration process emits VOCs and would be subject to Subsection (d)(1)(i) or (ii) – Surface Coating and Other Operations.

7. WORKSHOP COMMENT

Is the laundering of VOC-laden materials such as rag, clothes, etc., considered solvent cleaning?

DISTRICT RESPONSE

No, this type of operation is not considered a solvent cleaning operation. Proposed language has been added to the definition of “solvent cleaning” (Subsection (c)(26)) to clarify this point. Nevertheless, this type of operation emits VOCs and would be subject to Subsection (d)(1)(i) or (ii) – Surface Coating and Other Operations.

8. WORKSHOP COMMENT

The District should consider adding a new solvent cleaning category for “Ultra-High Purity Chemical Manufacturing” with a VOC content limit of 840 g/L to Subsection (d)(2)(ii). Stainless steel containers (usually 1.2 or 1.9 liters) are used to supply ultra-high purity specialty chemicals to the semiconductor industry. The cleaning of these containers needs to meet a certain purity that cannot be achieved using a 50 g/L solvent cleaning material.

DISTRICT RESPONSE

The District agrees and has added the recommended category and VOC content limit in a proposed amendment to Subsection (d)(2)(iii).

9. EPA COMMENT

The exemptions in proposed Subsection (b)(2)(iii) and (iv) have been increased from 20 to 550 gallons per calendar year and 150 to 3,650 pounds per calendar year respectively, potentially relaxing the State Implementation Plan (SIP) and increasing emissions. Please either maintain the existing, smaller thresholds, or demonstrate that such revisions are consistent with Federal Clean Air Act (CAA) restrictions on SIP relaxations in CAA Section 110(l).

DISTRICT RESPONSE

These proposed changes are consistent with CAA 110(l) requirements because they will not interfere with attainment of national ambient air quality standards or emission reduction commitments, as explained below:

- (a) The District has not enforced the lower thresholds for some cleaning operations in existing Rule 66.1 because: (1) they do not align with corresponding permit exemption thresholds in existing Rule 11 (Exemptions from Permits), which are higher; and (2) the District's enforcement resources are primarily focused on operations requiring a permit.

Under existing Rule 11, permits are required for solvent cleaning operations that are not associated with other permitted operations and that have uncontrolled VOC

emissions exceeding 5 tons per calendar year or when the purchased cleaning materials exceed 1,500 gallons per calendar year. In a separate rulemaking effort, those thresholds in Rule 11 are proposed to be tightened to 3,650 pounds and 550 gallons, respectively. Similarly, the thresholds in Rule 66.1 are now proposed at these same levels to ensure the alignment of prohibitory and permitting requirements for solvent cleaning operations.

- (b) The District has never assigned or accounted for emission reductions in a SIP based on the lower thresholds that apply to unpermitted cleaning operations. When Rule 66.1 was adopted and submitted into the SIP in 2010, the District claimed emissions reductions of 9 tons of VOC per year from permitted solvent cleaning operations. Those 9 tons per year were a result of evaluating 33 operations performing solvent cleaning associated with coating operations and one operation using more than 1,500 gallons for miscellaneous wipe cleaning, not associated with a coating operation. All 33 coating operations were already using compliant cleaning materials. The 9 tons per year VOC emission reductions came from the one facility that was using cleaning materials for a unique miscellaneous wipe cleaning operation. This facility came into compliance with Rule 66.1 by switching to a low vapor pressure cleaning material. It should be noted that this facility has since ceased all wipe cleaning activities in San Diego County.
- (c) The theoretical emissions impact of this proposed revision, assuming sources were complying with the existing lower thresholds, is extremely small. The District estimates there are fewer than a dozen solvent cleaning operations that will continue to be exempt from permit requirements (per proposed revisions to Rule 11) and also exempt from Rule 66.1. The emission reductions from these miscellaneous cleaning activities would be negligible because compliant cleaning materials are readily available and in use throughout the County (acetone or cleaning materials with a VOC content of less than 25 g/L). It would not be cost-effective to require a permit for these miscellaneous facility-wide wipe cleaning activities with negligible emission reductions.
- (d) The existing exemption thresholds were established in error. As discussed in items (a) and (b) above, Rule 66.1 was not intended to apply to activities that are exempt from permit requirements per Rule 11. The thresholds should have been aligned, as now proposed.
- (e) Even with the proposed amendments, Rule 66.1 is more stringent than EPA's Control Technique Guidelines (CTG) for Industrial Cleaning Solvents (September 2006) because it applies to more sources. Rule 66.1 applies to miscellaneous VOC emitting operations (including solvent cleaning operations) that are not subject to any specific prohibitory rule. By contrast, the CTG applies to "industries that have to use organic solvent for cleaning unit operations such as mixing vessels (tanks), spray booths, and parts cleaners, where a facility emits at least 6.8 kg/day (15 lb/day) of VOC..." These types of cleaning operations, which make up the majority of the solvent

cleaning performed in the County, are already regulated under the District's source-specific prohibitory rules. Rule 66.1 addresses the additional, miscellaneous solvent cleaning operations and thus is more stringent than the CTG.

It should be further noted that any new permitting application for an operation that involves miscellaneous solvent cleaning with usage below the 550 gallon per year exemption level in Rule 66.1, would still be subject to NSR review. The 550 gallons per year solvent usage is equivalent to 10 pounds per day of VOC emissions (worst-case) which is the threshold for NSR, therefore the entire operation (including emissions from solvent cleaning use) would undergo a BACT determination and be subject to the VOC standards in the rule as appropriate.

10. EPA COMMENT

The exemptions in current proposed Subsection (b)(2)(iii) and (iv) have been increased from 20 to 550 gallons per calendar year and 150 to 3,650 pounds per calendar year, respectively. Both of these provisions are based on calendar year usage. Consistent with national policy, we recommend revising these to a rolling 12-month basis.

DISTRICT RESPONSE

The District agrees. The "calendar year" reference in new proposed Subsection (b)(2)(ii) and (iii) has been changed to "consecutive 12 months".

11. ARB COMMENT

ARB has no official comments at this time.

AMO:jl
01/06/16